

## LICENSING AND REGULATORY SUB COMMITTEE

## Part I

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| <b>Report Title</b>                   | Request for Hackney Carriage Vehicle Extension for further 12 months<br>Skoda Superb SA14 CAB Silver H376  |
| <b>Purpose</b>                        | For the Committee to consider the request, including this report, representations made by the proprietor of the vehicle and to determine whether the vehicle is fit for purpose and should be issued with an extended licensing plate. |
| <b>Applicant</b>                      | Sally-Ann Moore  |
| <b>Options</b>                        | The Committee may:<br>a. Grant the request, with or without conditions; or<br>b. Refuse the request.   |
| <b>Report Author</b>                  | Evie Manning<br>Licensing Assistant<br>licensing@teignbridge.gov.uk  |
| <b>Appendices / Background Papers</b> | A: Request for extension<br>B: MOT history<br>C: Photographs<br>D: Vehicle Inspection Sheet  |

## 1. Application Details

- 1.1 The vehicle that is being presented for licensing as a Hackney Carriage vehicle is a 4 passenger, Skoda Superb, registration number SA14 CAB. The vehicle was first registered on the 21<sup>st</sup> of May 2014 making it 11 years old at the time of consideration. If the application were to be granted, the Hackney Carriage licence would be due to expire on the 26<sup>th</sup> of May 2027. It is noted that the vehicle will no longer meet the Council's licensing policy, as it now exceeds the maximum permitted age of ten years for licensed vehicles. The vehicle was first plated by Teignbridge District Council on the 28<sup>th</sup> of May 2014 and has been continuously licensed since that date.

## 2. Report Details:

- 2.1 The vehicle successfully passed its MOT on the 28<sup>th</sup> of April 2026 with the following advisories noted: Front Brake disc worn, pitted or scored, but not seriously weakened (1.1.14 (a) (ii)) and Rear Sub-frame corroded but not seriously weakened (5.3.3 (b) (i))

2.2 In addition, the vehicle is booked in for an inspection at an approved third-party garage.

2.3 The Licensing Sub-Committee must have regard to the Council's Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators and the Code of Conduct for Licensed Drivers ('Taxi Policy').

2.4 Vehicles presented for renewal that are more 10 years old, shall not be granted. However, the Applicant will be given the right to apply for the application to be considered by a licensing sub-committee if they feel that their particular circumstances justify a deviation from the existing Policies.

### **3. Recommendations:**

3.1 The Licensing Sub-Committee are asked to determine the application having regard to current policy.

## **5. RELEVANT POLICY AND LAW**

2.1 Paragraph 5.2 of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy states that:

*A vehicle being presented for initial licensing is required to be under five years old at first registration.*

*A vehicle being presented for subsequent licensing is required to be under 10 years old with the exception of purpose-built cabs. The Council has discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that the vehicle is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Licensing and Regulatory Committee which can impose such conditions as it thinks fit including six and four monthly testing'.*

2.2 All vehicle licences are issued annually.

2.3 Section 43 of the Town Police Clauses Act 1847 provides that:

*'Every licence so to be granted shall be under the common seal of the commissioners, if incorporated, or, if not incorporated, shall be signed by two or more of the commissioners, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the commissioners' and*

2.4 Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

*'A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary'.*

2.5 The above Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by

members of the public. The Committee has the discretion to license a vehicle if it is of the view that the vehicle is safe, fit for use and is in an acceptable condition.

2.6 The decision of the Committee following a complete review of the Hackney Carriage and Private Hire Policy in April 2009, after taking into account the views from the trade, were as follows:

*“The Committee decided that vehicles being presented for initial licensing must be under five years old.”*

2.7 With regard to subsequent licensing, the Committee decided that a vehicle should be under ten years old with the exception of purpose-built cabs. However, the Committee decided that the Council could exercise discretion to continue to licence Hackney Carriage or Private Hire vehicles which are older than ten years provided that the Council is satisfied that it is in a good condition and good state of repair and provided that it passes the appropriate testing standard. Applications for subsequent licensing for vehicles older than ten years will be considered by the Licensing and Regulatory Committee which can impose such conditions as it thinks fit including six monthly testing. The Committee did not consider it appropriate to introduce an upper age or mileage limit.”

2.8 Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides:

*‘that a district council shall not under the provisions of this subsection require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.’*

### **3. FINANCIAL IMPLICATIONS**

The cost of defending the appeal if the application is refused and the applicant appeals to the Magistrates’ Court.

### **4. LEGAL**

The Committee are required only to ensure that Public Safety is not compromised by the granting of an extension of the licence. If they are satisfied that safety is reasonably assured, they may grant the licence for a maximum of 12 months or such shorter period as they see as appropriate.